

-- FILE COPY --

**HUDSON PLANNING BOARD
MEETING MINUTES
May 28, 2008**

I. CALL TO ORDER

Acting Chairman Russo called this meeting of the Hudson Planning Board to order at 7:03pm on Wednesday, May 28, 2008, in the Community Development Meeting Room in the Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Acting Chairman Russo asked Mr. Massey to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Acting Chairman Russo asked Mr. Carroll to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: George Hall, Suellen Quinlan, Vincent Russo, and Terry Stewart

Members

Absent: James Barnes, Excused, and Marilyn McGrath, Excused

Alternates

Present: Brion Carroll

Alternates

Absent: Tierney Chadwick, Excused

Staff

-- FILE COPY --

HUDSON PLANNING BOARD – MEETING MINUTES

May 28, 2008

Acting Chairman Russo asked if there were anyone present who wished to speak in opposition or neutrally with regard to the application. No one came forward.

Acting Chairman Russo declared the matter before the Board and asked if there were any questions or comments with regard to the application.

Mr. Cashell commented that it was the only piece of the property that affected the Town of Hudson out of the overall larger project located in Londonderry.

Mr. Maddox pointed out that although that was the only piece of property that was in Hudson, that the town would still be significantly affected by the traffic that the overall project would create.

Mr. Hall made a motion to approve the one-year extension request (*with an expiration date of June 13, 2009) with the condition that the same terms and stipulations be abided by as were originally approved by the Planning Board on June 13, 2007.

Mr. Carroll seconded the motion.

*Mr. Maddox stated that he felt the expiration date of June 13, 2009, should be specifically stated as part of the motion.

Acting Chairman Russo stated that he would allow Mr. William Zoller, representing the applicant, having arrived late, to speak in favor with regard to the application.

Mr. Zoller stated that on May 7, 2008, the Town of Londonderry had approved a one-year extension with an expiration date of June 13, 2009.

Mr. Maddox noted that the Planning Board had not approved more than one, one-year extension in the past.

VOTE: Acting Chairman Russo called for a verbal vote, and he then stated that all of the Board members were in favor of approving the request for the one-year extension. Acting Chairman Russo declared the motion to have carried. (4-0)

Acting Chairman Russo noted that Suellen Quinlan had arrived at the meeting at 7:11pm.

VII. NEW BUSINESS/PUBLIC HEARINGS

-- FILE COPY --

HUDSON PLANNING BOARD – MEETING MINUTES

May 28, 2008

Acting Chairman Russo declared the matter before the Board.

Mr. Carroll asked if the new lot line, which would provide a buffer of two feet, was sufficient and Mr. Duval replied that it was not sufficient, but that was why the applicant had received a variance from the Zoning Board of Adjustment.

Ms. Quinlan asked how the existing home could have possibly been built so far over the lot line. Mr. Duval replied that he did not know how it happened.

Mr. Douglas Verbeck, 22 Campbello Street, Hudson, NH, addressed the Board, stating that he believed that both properties located at 20 and 22 Campbello Street were, at some point in time, owned by the same person and because of that, the owner did not have a problem with the addition encroaching so far over the lot line. Mr. Verbeck further stated that the owner had not adjusted the lot line prior to selling the properties.

Ms. Quinlan asked Mr. Verbeck if the addition was there when he purchased the property and Mr. Verbeck replied that it was.

Mr. Hall stated that he wished to make a motion to defer the case because the ZBA's Decision indicated that the lot line adjustment was 2.5 feet and the information supplied by Mr. Duval indicated that it was 2.0 feet, and a copy of the ZBA's Decision had not been provided to the Board. - (Although Mr. Cashell did read the Decision aloud at the meeting.)

Mr. Duval stated that he would change any minor drafting errors and he would put the Decision of the Zoning Board of Adjustment on the plan if the Board decided to approve the request. He further stated that Mr. Cashell could ensure that the changes were completed.

Mr. Maddox stated that he agreed with the applicant's representative even though he was the one who did not get the information correct. He further stated that he felt the Board should make a decision at this meeting, but the Chairman should not actually sign off on the Decision until Mr. Cashell made sure Mr. Duval had made the necessary changes.

Mr. Hall made a motion to defer the case to the June 25, 2008, meeting stating that the Board needed to receive a copy of the Decision made by the Zoning Board of Adjustment and, the plan needed to be updated to reflect the same information as what was on the Decision.

-- FILE COPY --

HUDSON PLANNING BOARD – MEETING MINUTES

May 28, 2008

Ms. Quinlan seconded the motion.

VOTE: Acting Chairman Russo called for a verbal vote, and he then stated that all of the Board members were in favor of deferring the case to the June 25, 2008, meeting. Acting Chairman Russo declared the motion to have carried. (5-0)

**B. Thruston's West LLR
SB# 04-08**

**Map 185/Lots 11 & 12
14 & 51 Flying Rock Road**

Purpose of Plan: Lot line relocation with an even exchange of land between Lots 11 & 12. No new building lots created. Application Acceptance & Hearing.

Mr. Maddox stated that although the applicant indicated that a new building lot was not being created, that it did appear an additional lot was being created.

Mr. Maddox also stated that the Board had denied the case several years ago and asked what was different.

Mr. Richard Maynard, of Maynard & Paquette Engineering, representing the applicant, replied that it was a slightly different plan and that it was to reconfigure the lot lines which would make the building envelope more suitable.

Mr. Hall made a motion to accept the application.

Mr. Carroll seconded the motion.

VOTE: Acting Chairman Russo called for a verbal vote, and he then stated that all of the Board members were in favor of accepting the application except for Mr. Maddox, who was opposed. Acting Chairman Russo declared the motion to have carried. (4 – 1)

-- FILE COPY --

HUDSON PLANNING BOARD – MEETING MINUTES

May 28, 2008

Mr. Maynard addressed the Board, stating that the applicant had gone before the Board several years prior requesting a lot line reconfiguration and the request was denied. Mr. Maynard further stated that the applicant took the matter to court but had subsequently, withdrew the petition.

Mr. Maynard stated that the slight adjustment to the plan was that the location of the proposed home was moved to a more usable lot. He also said that the newer proposed location was further away from the wetlands and it met all of the zoning and planning requirements.

Acting Chairman Russo asked if there were anyone else present who wished to speak in favor with regard to the application. No one else came forward.

Acting Chairman Russo asked if there were anyone present who wished to speak in opposition or neutrally with regard to the application. No one came forward.

Acting Chairman Russo declared the matter before the Board.

Mr. Carroll stated that he felt the proposed showed the most logical place for the lot line.

Ms. Quinlan stated that she felt the plan completely overburdened the property, was overly dense for the topography of the site, and the case had been litigated because the town did not think it was an appropriate plan in the first place.

Ms. Quinlan also stated that since the time the courts deemed that the town had to place houses on three separate parcels, presently known as Thurston's Landing, there had been nothing but problems, and she wanted to ask the town's counsel what recourse the town had.

Mr. Cashell replied that Attorney Buckley had provided the Board with his written opinion with regard to the case and the Board had copies of that correspondence.

Mr. Cashell also pointed out that the request met the zoning requirements.

Mr. Hall asked why the plan did not show the before and after buildable lot area.

Mr. Maynard replied that it was not applicable, as the plan was from 1987, and it was vested in accordance with the 1987 regulations.

-- FILE COPY --

HUDSON PLANNING BOARD – MEETING MINUTES

May 28, 2008

Mr. Maynard stated that he was willing to provide the Board with a plan that showed the slopes and wetlands on it but again, stated that it did not pertain to the case presently before the Board because it was vested in accordance with the 1987 regulations.

Mr. Maddox made a motion to defer the case to the June 25, 2008, meeting which would allow the Board an opportunity to consult with the Town Attorney and to obtain additional information from Mr. Maynard.

Mr. Hall seconded the motion.

VOTE: Acting Chairman Russo called for a verbal vote, and he then stated that all of the Board members were in favor of deferring the case to the June 25, 2008, meeting. Acting Chairman Russo declared the motion to have carried.
(5 – 0)

**C. Tolles Riverside LLR
SB# 05-08**

**Map 173/Lots 12 & 15
4 & 10 Tolles Street**

Purpose of Plan: Lot line relocation with an even exchange of land between Lots 11 & 12. No new building lots created. Application Acceptance & Hearing.

Mr. Maddox made a motion to accept the application.

Mr. Hall seconded the motion.

VOTE: Acting Chairman Russo called for a verbal vote, and he then stated that all of the Board members were in favor of accepting the application. Acting Chairman Russo declared the motion to have carried. (5-0)

Acting Chairman Russo asked who was present to speak in favor with regard to the application.

-- FILE COPY --

HUDSON PLANNING BOARD – MEETING MINUTES

May 28, 2008

Mr. Don Duvall, from Duval Survey, Inc., representing the applicant, addressed the Board, stating that he was the land surveyor for the project.

Mr. Duvall stated that the applicant was requesting a lot line readjustment – noting that the applicant was not asking for an additional lot.

Mr. Duvall stated that the applicant wished to take the back portion of Lot #12 and add it to Lot #15 which would create a lot consisting of 10,000 square feet with 90 feet of frontage. He also stated that the remainder lot would consist of 1.71 acres.

Mr. Duvall stated that the existing lot line went through the middle of the lot. He also stated that there used to be a paper street there, but that it had been discontinued and the previous owner had obtained a Quiet Title to that street.

Mr. George Kelly, 178 Bridge Street, Manchester, NH, the applicant, addressed the Board, stating that he had spent a significant amount of money clearing the lot of junk and debris. He also said that he had spent a lot of time trying to figure out how to make the lot as viable and marketable as possible.

Mr. Duvall, addressed the Board, stating that the applicant's plan was to tear down the existing house located on Lot #12 and build a new one in its place with a sprinkler system.

Ms. Debbie Kelly, 202 South Road, Deerfield, NH, stated that she was very proud of the work the applicants had done to clean up the property and she said she felt the hard work had made a significantly positive difference to the neighborhood.

Mr. Hall made a motion to approve the request for a lot line readjustment.

Mr. Maddox seconded the motion.

VOTE: Acting Chairman Russo called for a verbal vote, and he then stated that all of the Board members were in favor of approving the request for a lot line readjustment. Acting Chairman Russo declared the motion to have carried.
(5 -0)

VIII. OTHER BUSINESS

-- FILE COPY --

HUDSON PLANNING BOARD – MEETING MINUTES

May 28, 2008

Mr. Maddox reminded the Board that they were invited to attend a workshop between the Board of Selectmen and the Planning Board on Tuesday, June 3, 2008.

Mr. Cashell commented that he felt the Planning Board should not take final action on sub-divisions and site plans until final word was received, in writing, from the Engineering Department.

Mr. Maddox replied that he agreed with Mr. Cashell, but that he felt the wording should be different.

IX. ADJOURNMENT

All scheduled items having been processed, Mr. Maddox made a motion to adjourn the meeting.

Ms. Quinlan seconded the motion.

VOTE: All members voted in favor. The motion passed unanimously.

Acting Chairman Russo declared the meeting to be adjourned at 9:00pm.

Date: June 14, 2008

Vincent Russo, Acting Chairman

Recorder: Trish Gedziun

These minutes were accepted as amended following review at the 09-10-08 Planning Board meeting.

-- FILE COPY --

HUDSON PLANNING BOARD – MEETING MINUTES

May 28, 2008

The following changes were made in accordance with the Planning Board's review of these minutes at its September 10, 2008 meeting:

Page 2, Section IV — For clarification purposes, the paragraph was changed from “Vincent Russo stated that he would be seated in place of James Barnes, who was excused, and he seated Brion Carroll in place of Marilyn McGrath, who was also excused.” to read as follows: “Vice-Chairman Vincent Russo stated that he would serve as Acting Chairman in the absence of James Barnes, who was excused, and he then seated Brion Carroll in place of Marilyn McGrath, who was also excused.